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CIA chief gets supervisory role

Critics see potential for domestic spying

By Robert C. Toth
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WASHINGTON - CIA Director William J. Casey is placed over FBI Director William H. Webster in the National Security Council's intelligence structure, according to a council directive.

The directive raises concerns that the spirit if not the letter of a law barring CIA involvement in domestic security operations is being violated.

The law, the National Security Act of 1947, specifically forbids the CIA from "law-enforcement powers or internal security functions." Those functions are delegated to the FBI.

Some Senate Intelligence Committee members are concerned that Casey is not in compliance with the law.

Hearings on the directive and other Administration decisions on counterintelligence and counterterrorism may be held in coming months as Congress, uneasy about CIA covert activities abroad, gives increased scrutiny to issues that are perceived as potential civil liberties threats.

Some senators also are concerned that the security council's intelligence committee - the so-called Senior Interagency Group-Intelligence, or SIG-I - does not give explicit membership to the Attorney General, who is responsible for ensuring that no domestic spying operations violate the law or presidential regulations.

Administration officials, who made the SIG-I organizational directive available to the Los Angeles Times after repeated requests, contended that it does not conflict with the law because Casey acts as director of central intelligence, not as CIA chief, in chairing the SIG-I.

Casey's role backed

The role complies fully with his supervisory role for all US intelligence, they said. They also said that although the Attorney General is not a member of SIG-I and its subcommittees, he or a representative as a "matter of practice" attends all meetings of the groups.

Administration officials and a CIA counsel, George Clark, also noted that the SIG-I groups deal with policy, not operations. That further removes Casey from any

role in "internal security functions," they said.

As for operations, according to the Attorney General's counsel on intelligence matters, Mary Lawton, "these are taken care of in the executive order that says that the CIA must adopt procedures approved by the Attorney General. On specific operations against a US person [citizen], the CIA must come to him for approval."

The present arrangement contrasts with stricter Carter Administration regulations under which the Attorney General had a designated seat on NSC intelligence groups. Those rules were part of Carter's efforts to assure that abuses by intelligence agencies would not be repeated.

Similarly, the senior National Security Council group on intelligence in the Carter White House was run by national security adviser Zbigniew Brzezinski to avoid risking the perception that the CIA director had a role in domestic security programs.

The Reagan Administration's SIG-I Directive No. 1, dated Aug. 5, 1982, and signed by Casey, states that the senior group is responsible for protecting the United States "against the total foreign intelligence threat by means of counterintelligence and other countermeasures, including protective security but excluding counterterrorism . . ."

Lower-level groups

It establishes two lower-level groups, one for each area, for "developing policy positions."

The counterintelligence subgroup, responsible for counterespionage and for countering "active measures" (such as forged documents and deliberately misleading reports), is headed by the FBI director. Its membership includes the director of central intelligence (who presumably represents the CIA's counterintelligence division), the

deputy secretaries of State and Defense, and several other agencies, including the military services.

The countermeasures subgroup, headed by the deputy secretary of defense, is responsible for protecting the nation's secrets against technical threats, such as electronics eavesdropping and satellite photography. It also is responsible for countering high-technology thefts and attempts to recruit US personnel as spies, and for the security of weapons bases.

Its membership is even broader, extending to about 20 member agencies down to the Coast Guard.

One critic of the security council directive complained that the organizational structure "makes the FBI subordinate to the [CIA director] instead of the Attorney General."

"Casey should not be put in this awkward position, and the President's Foreign Intelligence Advisory Board should try to get it changed," the critic said.